

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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IN RE MISSION CONSTRUCTION :

This Document Relates To: Consolidated Actions :

**MASTER FILE
10 Civ. 4262 (LTS)**

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**AMENDED NOTICE
OF MOTION**

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PLEASE TAKE NOTICE that upon the annexed declaration of Jessica L. Rothman, sworn to on May 12, 2014, the affidavit of Joseph F. Tortorella, P.E., sworn to on May 12, 2014, the affidavit of Irwin Cantor, P.E., sworn to on May 12, 2014, the exhibits thereto, and the accompanying memorandum of law, defendant Robert Silman Associates, P.C. ("RSA") will move this Court before the Honorable Laura Taylor Swain at the United States Courthouse, 500 Pearl Street, New York, New York 10007, on July 3, 2014, at 9:30 a.m., or as soon thereafter as counsel can be heard, for an Order granting summary judgment, pursuant to Federal Rule of Civil Procedure 56, (a) dismissing the claims asserted against RSA in the National Union Complaint, in the Rag Jaw Complaint, in the Third-Party Complaint by Rybak in the USAA Action and dismissing the cross-claims for contribution or indemnification asserted against RSA by the parties in those actions, and (b) granting conditional contractual indemnification in favor of RSA and against defendant/third-party plaintiff Rybak.

PLEASE TAKE FURTHER NOTICE that counsel for RSA, certifies that RSA has used its best efforts to resolve informally the matters raised in this motion seeking summary judgment pursuant to Federal Rule of Civil Procedure 56.

Dated: New York, New York
May 14, 2014

**INGRAM YUZEK GAINEN CARROLL
& BERTOLOTTI LLP**

By: _____

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